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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,896	08/20/2001	Jean-Sebastien Lessard	06352-002-US-02	4032
7590 11/05/2004			EXAMINER	
Robert Brouillette BROUILLETTE KOSIE 25th Floor 1100 Rene-Levesque Boulevard West Montreal, QC H3B 5C9 CANADA			BURGESS, BARBARA N	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 11/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/931,896

**Applicant(s)**

LESSARD ET AL.

**Examiner**

Barbara N Burgess

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-18-02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4, 6, 9, 12-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1).

As per claim 1, Giniger discloses a system for the creation and management of bookmarks relating to a location comprising:

a) a data server comprising;

i) processor means for processing data (column 5, lines 64-67, column 6, lines 1-5, column 8, lines 41-47);

ii) means for encoding data elements relating to said location (column 7, lines 10-12, column 11, lines 35-38, column 12, lines 20-23);

iii) means for storing said data elements on a storage medium (column 11, lines 38-39, column 12, lines 25-26, 34-35);

iv) means for selectively accessing said data (column 6, lines 1-5, column 8, lines 61-64, column 12, lines 33-37);

v) data transceiver means (column 6, lines 5-7, column 8, lines 64-65, column 11, lines 59-61, column 12, lines 43-45, column 13, lines 18-19);

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- b) at least one user device (column 5, lines 48-55, column 8, lines 23-25, 54-57);
- c) a data communication network adapted to connect said user device to said data server (column 5, lines 50-61, column 8, lines 15-34).

As per claim 2, Giniger discloses a system as claimed in claim 1 in which the data elements are adapted to contain data representations of:

- a) the geographical position of the location (column 5, lines 12-15, 49-67, column 7, lines 6-8, column 8, lines 15-21, 45-51);
- b) an identifier associated with the location (column 8, lines 54-59, column 9, lines 49-65, column 11, lines 35-40, 59-65).

As per claim 4, Giniger discloses a system as claimed in claim 2 wherein said identifier is one or more of the following:

- a) a text;
- b) a video recording;
- c) an audio recording;
- d) an image (column 9, lines 20-25, 38-45, 50-60).

As per claim 6, Giniger discloses a system as claimed in claim 4 further comprising data elements which are adapted to contain data representations of the identification of the author of the bookmark (column 11, lines 10-20, 28-40).

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As per claim 9, Giniger discloses a virtual location bookmark for use with a system as described in claim 1 in which the data elements are adapted to contain data representations of :

- a) the geographical position of the location (column 5, lines 12-15, 49-67, column 7, lines 6-8, column 8, lines 15-21, 45-51);
- b) an identifier associated with the location (column 8, lines 54-59, column 9, lines 49-65, column 11, lines 35-40, 59-65).

As per claim 12, Giniger discloses a method for creating and storing information concerning a location comprising the steps of:

- a) determining the geographical position of the location (column 5, lines 12-15, 49-67, column 7, lines 6-8, column 8, lines 15-21, 45-51);
- b) identifying or creating additional data associated to said location (column 6, lines 1-5, column 8, lines 61-64, column 12, lines 33-37);
- c) creating a record comprising said position and said additional data (column 11, lines 38-39, column 12, lines 25-26, 34-35);
- d) storing said record in a centralized database (column 11, lines 38-39, column 12, lines 25-26, 34-35).

As per claim 13, Giniger discloses a method as claimed in claim 12 wherein the said record is created by the user of a wireless device (column 8, lines 15-34).

As per claim 14, Giniger discloses a method as described in claim 12 wherein said record is created by the user of a wired device (column 8, lines 15-34).

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As per claim 15, Giniger discloses a method as claimed in claim 13 wherein said wireless device is a cellular telephone (column 8, lines 15-34).

As per claim 16, Giniger discloses a method as claimed in claim 12 wherein said record is created by the user of a browser based light client (column 8, lines 15-34).

As per claim 17, Giniger discloses a method for creating and storing information concerning a location comprising the steps of:

- a) U steps of:
- b) identifying or creating additional data associated to said location (column 6, lines 1-5, column 8, lines 61-64, column 12, lines 33-37);
- c) storing said coordinates and said additional data in a centralized database (column 7, lines 6-12, column 11, lines 38-39, column 12, lines 25-26, 34-35).

As per claim 18, Giniger discloses a method as in claimed 12 wherein said coordinates are determined with the use of a GPS device (column 7, lines 6-12, 20-25, 45-53).

As per claim 19, Giniger discloses a method as claimed in claimed 17 wherein said coordinates are determined with the use of a GPS device (column 9, lines 49-60).

As per claim 20, Giniger discloses a method as claimed in claim 19 wherein said GPS device is integrated to a wireless communication device (column 9, lines 19-25, 49-55).

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As per claim 21, Giniger discloses a method as claimed in claim 20 wherein said wireless communication device is a cellular telephone (column 8, lines 15-34).

As per claim 22, Giniger discloses a method for the management of a record created pursuant to the method claimed in claim 12, comprising the steps of:

- a) accessing the database over a communication link using a wireless device (column 5, lines 50-61, column 8, lines 15-34);
- b) selecting said record in the database (column 11, lines 38-39, column 12, lines 25-26, 34-35);
- c) communicating said record over said communication link to the user of said wireless device (column 6, lines 5-7, column 8, lines 64-65, column 11, lines 59-61, column 12, lines 43-45, column 13, lines 18-19).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Kitano et al. (hereinafter "Kitano", US Patent No 5,926,116).

As per claim 3, Giniger discloses a system as claimed in claim 2.

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Giniger does not explicitly disclose the system in which the geographical position data elements comprise:

- a) the latitude associated with the location;
- b) the longitude associated with the location.

However, in analogous art, Kitano discloses a GPS detection means that detects current position such as a latitude and a longitude at which the portable terminal is positioned (column 4, lines 1-5, 57-60, column 5, lines 31-54).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating latitude and longitude with the location in Giniger in order for a terminal's position to be retrieved.

As per claim 10, Giniger discloses a virtual bookmark as claimed in claim 9.

Giniger does not explicitly disclose the system wherein the geographical position data elements comprise:

- a) the latitude associated with the location; and
- b) the longitude associated with the location.

However, in analogous art, Kitano discloses a GPS detection means that detects current position such as a latitude and a longitude at which the portable terminal is positioned (column 4, lines 1-5, 57-60, column 5, lines 31-54).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating latitude and longitude with the location in Giniger in order for a terminal's position to be retrieved.



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5. Claims 5, 7-8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al.

(hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Kitano et al. (hereinafter "Kitano", US Patent No 5,926,116) and in further view of Camhi (US Patent No 5,825,283).

As per claim 5, Giniger discloses a system as claimed in claim 3.

Giniger does not explicitly disclose the system comprising data elements which are adapted to contain data representations of the altitude associated with the location.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

As per claim 7, Giniger discloses a system as claimed in claim 6.

Giniger does not explicitly disclose the system further comprising data elements which are adapted to contain data representations of the accuracy of the data representations of the latitude, the longitude and the altitude.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

As per claim 8, Giniger discloses a system as claimed in claim 1 in which the data elements are adapted to contain data representations of:

c) an identifier associated with the location.

Giniger does not explicitly disclose in which the data elements are adapted to contain data representations of:

a) the latitude associated with the location;

b) the longitude associated with the location;

d) the altitude associated with the location.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

As per claim 11, Giniger discloses a virtual location bookmark as claimed in claim 10.

Giniger does not explicitly disclose the system further comprising the altitude associated with the location.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

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Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No 5,043,736

US Patent Pub No 2002/0089421 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SALEH NAJJAR  
PRIMARY EXAMINER

Barbara N Burgess  
Examiner